IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE ZONING VARIANCE

* ZONING COMMISSIONER W/S Allen Road, 375 ft. N of c/l of Liberty Road * OF BALTIMORE COUNTY 10808 Liberty Road 2nd Election District * Case No. 92-307-SPHA 3rd Councilmanic District

Charles William Allen, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance from Section 1A03.4.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 262 ft. diametrical dimension in lieu of the required 300 ft.; and from Sections 1A03.4.B.4 and 102.2 of the B.C.Z.R., to permit a 6 ft. distance between buildings and to the property's lot line, in lieu of the required 100 ft. and 50 ft., respectively. In

the alternative, the Petitioners request relief pursuant to a Petition for Special Hearing, seeking approval of the identification of Parcel I, as shown on the site plan, as a buildable lot by including adjacent common owned lots as legally nonconforming and as a legitimate farm use.

All of the requested relief for the subject property is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Zoning Variance and Special Hearing.

The Co-Property Owner, Thomas W. Beaudet, appeared and testified. Also appearing and testifying on behalf of the Petition was Doug Trettien, the architect who prepared the plan. There were no Protestants present.

Although the requested relief appears complicated, the Petitioners' plans are quite simple. Mr. Beaudet, along with his mother and stepfather,

Charles William and Marie R. Allen, own a significant portion of agricultural property near the intersection of Maryland Route 26 and Allen Road. The front of the tract is partially zoned B.L. and features a number of structures thereon in connection with a business selling fruits and vegetables grown on the site. The subject Petition concerns the rear lot of the tract, identified as Parcel I. This unusually configured lot is 3.7588 acres in size and is zoned R.C.4. Mr. Beaudet proposes to construct a dwelling in which he will reside on the front portion of Parcel I. Due to the unusual shape of the property, a variance is requested as to the required diametrical distance. Further, because Mr. Beaudet wishes to construct the dwelling near the other improvements and to preserve as much farmland as possible, the proposed dwelling requires variances from the setback requirements.

The special hearing is filed as an alternative to the Petition for Variance. It is based upon the fact that adjoining properties are owned by members of Mr. Beaudet's family.

In considering the testimony and evidence offered, I am persuaded that the matter should be determined by a granting of the requested variances. As to the diametrical distance required, Mr. Beaudet has overcome his burden of showing practical difficulty/undue hardship due to the unusual configuration of the property. As is shown on Petitioners' Exhibit No. 1, there is no portion of the property which would support the minimal 300 ft. distance. Thus, the Co-Property Owner cannot comply with the strict requirements of the regulation.

BU

As to the setback variances, I am, likewise, persuaded that they too should be granted. It is laudable that Mr. Beaudet wishes to construct his dwelling in the front portion of the property near the other structures

Petition for Special Hearing

owned by his family. Although variances will be needed by placing the house at that location, it will preserve the balance of the site for agricultural purposes. Clearly, the preservation of agricultural uses in an R.C.4 zone is to be encouraged and I find Mr. Beaudet's plan wholly consistent with the spirit and intent of the R.C.4 regulation. For that reason, I must, likewise, conclude that Mr. Beaudet has met his burden and that the Petition for Zoning Variances as they relate to setbacks should be granted.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variances would, in any way, adversely affect the health, safety and/or general welfare of the public. Further, strict compliance with the B.C.Z.R. would result in substantial practical difficulty and/or unreasonable hardship upon the property owner. Further, in view of my determination in granting the Petition for Zoning Variances, I find it unnecessary to address the Petition for Special Hearing.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE. IT IS ORDERED by the Zoning Commissioner of Baltimore County this and day of World, 1992, that a Petition for Zoning Variance from Section 1A03.4.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 262 ft. diametrical dimension, in lieu of the required 300 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein; and,

IT IS FURTHER ORDERED that a variance from Sections 1A03.4.B.4 and 102.2 of the B.C.Z.R., to permit a 6 ft. distance between buildings and to the property's lot line, in lieu of the required 100 ft. and 50 ft. respectively, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein; and,

IT IS FURTHER ORDERED, that a Petition for Special Hearing, seeking approval of the identification of Parcel I, as shown on the site plan, as a buildable lot by including adjacent common owned lots as legally nonconforming and as a legitimate farm use, is hereby MOOT.

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

Consequent Conjumble of Coffee 1 of the west of proposed in I do niver

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21201

(410) 837-4386

April 1, 1992

Mr. Thomas Beaudet 5761 Oakland Road Sykesville, Maryland 21784 Mr. and Mrs. C. William Allen 10808 Liberty Road

Randallstown, Maryland 21133 RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE Case No. 92-307-SPHA

Dear Mr. Beaudet and Mrs. and Mrs. Allen:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been granted.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

> Very truly yours, LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

to the Zoning Commissioner of Baltimore County The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Parcel I as a buildeble lot by considering the same adjacent comming owned lots as regal nonconforming and as a legitimate farm use Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and ere to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: HARles William Allen (Type or Print Name) _____ Signature PARIC City and State Attorney for Petitioner (Type or Print Name) -------

City and State

Attorney's Telephone No.: ______ ESTIMATED LENGTH OF HEARING -1/2HR. MINI + 1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL

DATE 7 /5 /6 DATE 2 /5- /42 REVIEWED BY: MTK

Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted

Petition for Variance

to the Zoning Commissioner of Baltimore County 92. 307. SPHA The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03. 7. B. 3 to permit a 262 diametral dimension in lieu of the minimum 300 june 1A03.4. B.4. and 102.2 to permit 6 between buildings and to the lot line in lieu of of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) To be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by t Baltimore County adopted pursuant to the Zoning Law F

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

For Baltimore County.
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this l'elition.
Legal Owner(s):
CHARLES WILLIAM AlleN
Charles N. allen
Signature
MARIE RITTY Allew
(Type or Print Name) Mare & Comment of the Comment
-
10808 LiBurty Rd 19226116 Address Phone No.

RANDAUSTOWN Md 21133 Name, address and phone number of legal owner, contract purchaser or representative to be contacted -----

Address OFFICE USE ONLY ESTIMATED LENGTH OF HEARING -1/2HR. +1HR. AVAILABLE FOR HEARING HON./TUES./WED. - NEXT TWO HONTHS ALL OTHER REVIEWED BY: WORK DATE 2/5/42

Phone No.



Ingineers · Surveyors · Planners 310 South Main Street, Mount Airy, Maryland 21771

Fax (301) 831-5603

Frederick Office 32 East Patrick Street Frederick, Maryland 21701 (301) 695-0600

(301) 829-2890 (301) 831-5015 (301) 549-2751 92-307-5PHA

C. William Allen, Marie R. Allen and Thomas W. Beaudet Liber 7825 Folio 124

Beginning at a point on the west side of Allen Road, which is 16 foot wide at the distance of 375 feet north of the centerline of the nearest improved intersecting street Liberty Road, Maryland Route 26 which is of variable width. As recorded in

Deed Liber 7825, Folio 124 N. 73 26' 26" W. 159.32 S. 14 52 19" W. 163.61 N. 78 50' 20" W. 196.00 N. 00 47' 03" E. 148.57 N. 05 06' 34" E. 559.62' S. 72 13' 08" E. 289.40' S. 15 02' 38" W. 445.76' S. 70 58' 12" E. 198.82' S. 14 58' 02" W. 49.10 to the place of beginning containing 172,106 square feet or 3.951 acres. Also known as and located in the 2nd Election District.

318

Frederick Office 32 East Patrick Street Frederick, Maryland 21701 (301) 695-0600

92-307-SPHA

C. WILLIAM ALLEN, MARIE R. ALLEN AND THOMAS W. BEAUDET LIBER 7825 FOLIO 124

Beginning for the same at a point at the northwesterly corner of the intersection of Maryland Route # 26, also known as Liberty Road, being of variable width, and Allen Road being 16' in width; thence running with the outlines of the lands recorded in Liber 7825 at Folio 124;

- N. 14 ° 58' 02" E. 408.04'
- N. 70 ° 57′ 12" W. 198.82′
- N. 15 ° 02′ 38" E. 445.76′
- N. 72 ° 13′ 08" W. 289.40′
- s. 05 °06′ 34" W. 559.62′

S. 00 $^{\circ}$ 47' 03" W. 334.73', to a point on the north side of Maryland Route # 26 and with said road

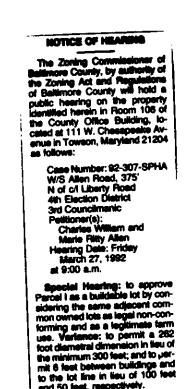
S. 73 °52′ 17" E. 309.01′ to the place of beginning, containing 261,974 square feet or 6.0141 acres more or less. Located in the Second Election District, Baltimore County, Maryland.

318

CERTIFICATE OF POSTING HING DEPARTMENT OF BALTIMORE COUNTY

92-307-50HA

Mecial Garine & Warrage Charles William R Man & Morre Watty 2012 Location of property: Ivet side of Alien Kond . 375 N College Location of Signer Mist will at allow it red in front of subject frequety. Date of return:



LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on much 5, 1992.

5. Zete Orlan

84.39

12'

CERTIFICATE OF PUBLICATION MOTICE OF HEADER The Zering Commissioner of Baltimore County, by eatherly of the Zening Ast and Regulations of Baltimore County will held a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Cheespeake Avenue in Toweon, Maryland 21204 or follows:

TOWSON, MD., March 5, 1997 THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Manch 5, 1992

OWINGS MILLS TIMES.

84,39

Baltimore Cou:
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21701 Lowson, Maryland 21204

teesent

Account: R-001 6150

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore Coun

Zoning Commissioner

County Office Building County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

111 West Chesapeake Avenue

Towson, MD 2120+

recalipt

Account: R 001-6150

Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

(410) 887-3353

Charles and Marie Allen 10808 Liberty Road Randallstown, Maryland 21133

CASE NUMBER: 92-307-SPHA W/S Allen Road, 375' N of c/l Liberty Road 2nd Election District - 3rd Councilmanic Petitioner(s): Charles William and Marie Ritty Allen

Dear Petitioner(s):

Please be advised that \$134.39 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING. Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake

Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON DIRECTOR

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

FEBRUARY 26, 1992

111 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-307-SPHA W/S Allen Road, 375' N of c/l Liberty Road 2nd Election District - 3rd Councilmanic Petitioner(s): Charles William and Marie Ritty Allen HEARING: FRIDAY, MARCH 27, 1992 at 9:00 a.m.

Special Hearing to approve Parcel I as a buildable lot by considering the same adjacent common owned lots as legal non-conforming and as a legitimate farm use. Variance to permit a 262 foot diametral dimension in lieu of the minimum 300 feet; and to permit 6 feet between buildings and to the lot line in lieu of 100 feet and 50 feet, respectively.

Baltimore County

cc: Charles and Marie Allen

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

Special Hearing: to approve Parcel I as a buildable lot by considering the same adjacent common owned lots as legal non-conforming and as a legal mon-conforming and as a legalimete ferm use. Variance: to permit a 262 foot diametral dimension in lieu of the minimum 300 feet; and to permit 6 feet between buildings and to the lot line in lieu of 100 feet and 50 feet, respectively.

March 16, 1992

(410) 887-3353

Mr. & Mrs. Chalres W. Allen 10808 Liberty Road Randallstown, MD 21133

RE: Item No. 318, Case No. 92-307-SPHA Petitioner: Charles W. Allen, et ux Petition for Variance

Dear Mr. & Mrs. Allen:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

Your petition has been received and accepted for filing this

Petitioner: Charles W. Allen, et al Petitioner's Attorney:

5th day of February, 1992.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: March 12, 1992

FROM:

Gary Kerns, Chief Community and Comprehensive Planning Division Office of Planning and Zoning

Allen Property, Item No. 318

In reference to the applicant's request, staff is unable to provide substantive comments due to the lack of information provided in the subject case.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

4159-92

GK:JL:prh ITEM318.ZAC/ZAC1 EUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: March 18, 1992

4219.72

Mr Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Pamili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 25, 1992

This office has no comments for item numbers 318, 321, 322, 323 and 327.

Rahoo J. Pamili Traffic Engineer II

n @/lvd

BAL MORE COUNTY, MAR AND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

February 25, 1992

Arnold Jablon, Director Zoning Administration and Development Management

DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #318, Zoning Advisory Committee Meeting of February 25, 1992, Charles William Allen and Marie Ritty Allen, W/S Allen Road, 375' N of centerline Liberty Road, D-2, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Soil percolation tests must be conducted.

Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

↓) SSF:rmp

318.ZNG/GWRMP

ZONING OFFICE

Baltimore County Government Fire Department 700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

2959-92

MARCH 3, 1992

Arnold Jablon Director Zoning Administration and Development Management Paltimore County Office Euilding Towson, MD 21204

Item Mo.:

RE: Property Owner: CHARLES WILLIAM ALLEN AND MARIE RITTY ALLEN Location:

W/S ALLEN ROAD

Zoning Agenda: FEBRUARY 25, 1992

Gertlemen:

Pursuant to your request, the referenced property has been surveyed by this Pureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Pureau has no comments at this time.

Noted and Planning Croup Affroyed Fire Prevention Eureau Special Inspection Division

JP/KEK



BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION

Office of Zoning Administration and

Development Management A. J. Haley, Deputy Director Economic Development Commission

Julie Winiarski

February 24, 1992

Zoning Advisory Comments for Meeting of February 25, 1992

This office has no comment for items 318, 321, 322, 323, and 324.

FFB 26 1992 ZONING OFFICE BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 13, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for February 25, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 321, 322, 323, 324 and 327.

For Items 297 and 326, the previous County Review Group Comments still apply.

For Item 80 (Case No. 90-282-SPHXA), a continued County Review Group Meeting and revised plan are required. For Item 318, the site must be submitted through the new subdivision process for review and comments.

Developers Engineering Division

ZONING OFFICE

PETTIONERS
PROTESTANT(S) SIGN-IN SHEET

THOMAS BEAUDET / OWNER.

#318 DOUG TRETTIEN VANMAR ASSOC 310 S. MAINST. MT. AIRY, MO. 2171 5761 DAKLAND RA SYKOSUITE AND 21784

